

SENATE BILL 728

C2

(11r1889)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Economic Matters* —

Introduced by **Senator Simonaire**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **State Board for Professional Engineers – Increase in Membership and**
3 **Practice Specialties**

4 FOR the purpose of increasing the number of members of the State Board for
5 Professional Engineers; requiring ~~a certain number of~~ *one of the* engineer
6 members of the Board to be ~~en~~ appointed, without regard to specific professional
7 practice, from a certain list submitted by the Maryland Society of Professional
8 Engineers; ~~requiring a certain list to include only individuals who practice~~
9 ~~certain engineering specialties~~; making certain conforming changes; specifying
10 the terms of the new members of the Board; and generally relating to the State
11 Board for Professional Engineers.

12 BY repealing and reenacting, with amendments,
13 Article – Business Occupations and Professions
14 Section 14–202

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2010 Replacement Volume)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Business Occupations and Professions**

6 14–202.

7 (a) (1) The Board consists of [seven] ~~NINE~~ EIGHT members.

8 (2) Of the [seven] ~~NINE~~ EIGHT members of the Board:

9 (i) [five] ~~SEVEN~~ SIX shall be engineers; and

10 (ii) two shall be consumer members.

11 (3) Of the [five] ~~SEVEN~~ SIX engineer members of the Board:

12 (i) one shall be a chemical engineer;

13 (ii) two shall be civil engineers;

14 (iii) one shall be an electrical engineer; [and]

15 (iv) one shall be a mechanical engineer; AND

16 (v) ~~TWO ONE SHALL BE A PROFESSIONAL ENGINEERS~~
17 ~~ENGINEER WHO PRACTICE AN ENGINEERING SPECIALTY NOT LISTED IN ITEMS~~
18 ~~(I) THROUGH (IV) OF THIS PARAGRAPH APPOINTED WITHOUT REGARD TO~~
19 ~~SPECIFIC PROFESSIONAL PRACTICE WHO SHALL REPRESENT ALL OTHER~~
20 ~~DESIGNATIONS OF PROFESSIONAL ENGINEERING.~~

21 (4) The Governor shall appoint the members with the advice of the
22 Secretary and with the advice and consent of the Senate.

23 (5) (i) The Governor shall appoint each of the engineer members
24 from a single list of at least 3 names of engineers submitted by the local chapters of
25 the applicable professional organization, as set forth in this paragraph and any list of
26 qualified individuals that may have been submitted to the Governor by any person
27 who is a resident of the State.

28 (ii) For the chemical engineer member, the list shall be
29 submitted by the American Institute of Chemical Engineers.

1 (iii) For the civil engineer members, the list shall be submitted
2 by the American Society of Civil Engineers.

3 (iv) For the electrical engineer member, the list shall be
4 submitted by the Institute of Electrical and Electronics Engineers.

5 (v) For the mechanical engineer member, the list shall be
6 submitted by the American Society of Mechanical Engineers.

7 (VI) FOR THE ~~TWO~~ ONE ENGINEER ~~MEMBERS~~ MEMBER
8 ~~WITHOUT A REQUIRED SPECIALTY IDENTIFIED IN PARAGRAPH (3)(V) OF THIS~~
9 ~~SUBSECTION, THE LIST SHALL BE SUBMITTED BY THE MARYLAND SOCIETY OF~~
10 ~~PROFESSIONAL ENGINEERS AND SHALL INCLUDE ONLY QUALIFIED~~
11 ~~INDIVIDUALS WHO PRACTICE AN ENGINEERING SPECIALTY NOT LISTED IN~~
12 ~~PARAGRAPH (3)(I) THROUGH (IV) OF THIS SUBSECTION.~~

13 (b) Each member of the Board shall be:

14 (1) a citizen of the United States; and

15 (2) a resident of the State.

16 (c) (1) Each engineer member of the Board shall have:

17 (i) practiced engineering for at least 12 years; and

18 (ii) been in responsible charge of important engineering work
19 for at least 5 years.

20 (2) Each engineer member of the Board shall be licensed as a
21 professional engineer in this State at all times during the member's term on the
22 Board.

23 (d) Each consumer member of the Board:

24 (1) shall be a member of the general public;

25 (2) may not be a licensee or otherwise be subject to regulation by the
26 Board;

27 (3) may not be required to meet the qualifications for the professional
28 members of the Board; and

29 (4) may not, within 1 year before appointment, have had a financial
30 interest in or have received compensation from a person regulated by the Board.

1 (e) While a member of the Board, a consumer member may not:

2 (1) have a financial interest in or receive compensation from a person
3 regulated by the Board; or

4 (2) grade any examination given by or for the Board.

5 (f) Before taking office, each appointee to the Board shall take the oath
6 required by Article I, § 9 of the Maryland Constitution.

7 (g) (1) The term of a member is 5 years and begins on July 1.

8 (2) The terms of members are staggered as required by the terms
9 provided for members of the Board on October 1, [1989] **2011**.

10 (3) At the end of a term, a member continues to serve until a successor
11 is appointed and qualifies.

12 (4) A member who is appointed after a term has begun serves only for
13 the rest of the term and until a successor is appointed and qualifies.

14 (h) The Governor may remove a member for incompetence, misconduct,
15 neglect of duties, or other sufficient cause.

16 SECTION 2. AND BE IT FURTHER ENACTED, That:

17 (1) ~~the terms of the two new members~~ *term of the new member* of the
18 State Board for Professional Engineers established by this Act shall expire 5 years
19 after ~~they are~~ *the member is* appointed; and

20 (2) the terms of the other members of the State Board for Professional
21 Engineers on October 1, 2011, shall expire in accordance with the staggering of terms
22 in effect on October 1, 2011.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2011.